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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/817,236	04/02/2004	Michio Tsujiura	MM4661	3066
7590	09/13/2004		EXAMINER	
Eugene Lieberstein, Esq. Anderson Kill & Olick, P.C. 1251 Avenue of The Americas New York, NY 10020			ADDISON, KAREN B	
		ART UNIT	PAPER NUMBER	
			2834	

DATE MAILED: 09/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/817,236	TSUJIURA, MICHIO
	Examiner	Art Unit
	Karen B Addison	2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-6 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date ____.
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. ____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Yoshiaki (7-287022).

Yoshiaki disclose a piezoelectric ceramic belt in fig.1-4 comprising: a piezoelectric ceramic layer (50) in an endless belt having and upper surface and a lower surface with the layer comprising: a first set of square electrodes formed on the upper surface (12,13) of the belt with the electrodes arranged at a regular intervals along the circumference of the belt and spaced at a distance form both sides edges of the belt and a second set of square electrodes (14a-b, 15a-b) formed on the lower surface of the belt aligned in position with the first set of electrodes (12,13)on the upper surface of the belt. Wherein, the electrodes of the first and second (14 a-b, 15a-b) set are polarized by application of a high voltage (150volts-250volts) to cause a piezoelectric effect in the ceramic layer between the electrodes in the first set acting as either positive or negative electrodes in the second set acting as counter electrodes. Yoshiaki also, discloses the electrodes in the first and second set on the upper and lower surface of the belt are arranged in plural lines along the circumference of the belt.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-6 rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshiaki (7287022) in view of Shuda (6194173).

Yoshiaki substantially discloses the claim invention. However, Yoshiaki does not disclose, a wire formed on the upper and lower surface electrodes to formed an electrical circuit.

Shuda disclose a piezoelectric vibrator in fig.1-4 comprising: a piezo-ceramic (1) having a plurality of belt-like electrodes (10,12) connected by a wires(14,15).

Therefore, it would be obvious to one having ordinary skill in the art at the time the invention was made to modify the piezoelectric device of Yoshiaki with the electrode structure of Shuda for the purpose of providing a vibrator for the piezoelectric device.

Referring to fig.3 and 6 the method of forming the device is not germane to the issue of patentability of the device it self. Therefore, this limitation has not been giving patentable weight: screen printing and baking the electrodes.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen B Addison whose telephone number is 571-272-2017. The examiner can normally be reached on 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on 571-272-2204. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KBA
9/3/04

Thomas M. Dougherty
THOMAS M. DOUGHERTY
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